

movement of which is prohibited by the quarantine and regulations in this subpart, and from the plant pests referred to in said quarantine; or that the lot or shipment is of such a nature that no danger of infestation or infection is involved; or that it has been treated in a manner to eliminate infestation. A certificate covering treated products must state the treatment applied.

Continental United States. The 48 contiguous States, Alaska, and the District of Columbia.

Fruits and vegetables. The edible, more or less succulent, portions of food plants in the raw or unprocessed state, such as bananas, oranges, grapefruit, pineapples, tomatoes, peppers, lettuce, etc.

Inspector. An inspector of the Plant Protection and Quarantine Programs, United States Department of Agriculture.

Interstate. From any State into or through any other State.

Limited permit. A document issued by an inspector for the interstate movement of regulated articles to a specified destination for:

- (1) Consumption, limited utilization or processing, or treatment, in conformity with a compliance agreement; or
- (2) Movement into or through the continental United States in conformity with a transit permit.

Means of conveyance. For the purposes of § 318.58-12 of this subpart, "means of conveyance" shall mean a ship, truck, aircraft, or railcar.

Moved (movement and move). Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person as specified in § 318.58(b) with respect to fruits and vegetables and with respect to fruits and vegetables and with respect to cactus plants and parts thereof. "Movement" and "move" shall be construed accordingly.

Person. Any individual, corporation, company, society, association, or other organized group.

Plant litter. Leaves, twigs, or other portions of plants, or plant remains or rubbish as distinguished from clean

fruits and vegetables, or other commercial articles.

Sealed (sealable) container. A completely enclosed container designed for the storage and/or transportation of commercial air, sea, rail, or truck cargo, and constructed of metal or fiberglass, or other similarly sturdy and impenetrable material, providing an enclosure accessed through doors that are closed and secured with a lock or seal. Sealed (sealable) containers used for sea shipments are distinct and separable from the means of conveyance carrying them when arriving in and in transit through the continental United States. Sealed (sealable) containers used for air shipments are distinct and separable from the means of conveyance carrying them before any transloading in the continental United States. Sealed (sealable) containers used for air shipments after transloading in the continental United States or for overland shipments in the continental United States may either be distinct and separable from the means of conveyance carrying them, or be the means of conveyance itself.

State. Each of the 50 States of the United States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States, and all other territories and possessions of the United States.

Transit permit. A written authorization issued by the Administrator for the movement of fruits and vegetables en route to a foreign destination that are otherwise prohibited movement by this subpart into or through the continental United States. Transit permits authorize one or more shipments over a designated period of time.

Transloading. The transfer of cargo from one sealable container to another, from one means of conveyance to another, or from a sealable container directly into a means of conveyance.

[24 FR 10777, Dec. 29, 1959, as amended at 28 FR 13281, Dec. 7, 1963; 36 FR 24917, Dec. 24, 1971; 54 FR 3580, Jan. 25, 1989; 58 FR 7961, Feb. 11, 1993]

§ 318.58-2 Regulated articles.

(a) *Prohibited movement.* Fruits, vegetables, and other products specified in § 318.58 and not eligible for inspection

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and certification under § 318.58-4 or otherwise expressly authorized movement in the regulations in this subpart are prohibited movements.

(b) *Regulated movement.* (1) Subject to the conditions provided in this section, and to any treatment prescribed by the Deputy Administrator of the Plant Protection and Quarantine Programs, the following fruits and vegetables may be moved when they are free from plant litter, are marked in compliance with § 318.58-6, and have been inspected by an inspector and certified by him to be free from injurious insect infestation (including the West Indian fruitfly and the bean pod borer) or to have been given prescribed treatment:

Citrus fruits (orange, grapefruit, lemon, citron, and lime);

Corn (sweet corn on cob);

Mangoes (*Mangifera* spp.), no larger than size 8 (no more than 700 g each), when treated as prescribed in the Plant Protection and Quarantine Treatment Manual;

Peppers;

String beans, lima beans, faba beans, and pigeon peas, in the pod, and fresh okra. However, products within this subparagraph will be certified for movement to Pacific Coast ports or to Atlantic Coast ports south of Baltimore, Maryland, only when they have been treated as prescribed by the Deputy Administrator of the Plant Protection and Quarantine Programs, and under the supervision of an inspector. Such products may be certified for movement to Baltimore, Maryland, and Atlantic Coast ports north thereof without such treatment, but untreated fresh okra may be so certified only for immediate processing or consumption in these northern areas.

(2) The following fruits and vegetables are subject to inspection, either in the field or when presented for shipment, as the inspector may require, but unless found by him to be infested shall be free to move without certification, marking, treatment, or other requirements of this subpart, except that they must be free from plant litter and soil: *Provided*, That if the inspector shall find any field, grove, lot, shipment, or container of such fruits and vegetables infested with injurious insects, he shall notify the owner or person in charge, in writing, of the existence of the infestation and the extent thereof, and thereafter movement of the fruit or vegetable so specified shall be prohibited while the infesta-

tion persists, unless in the judgment of the inspector movement may be safely allowed subject to certification after having been given an approved treatment, or after sorting, conditioning, or other effective safeguard measures:

Algarroba pods (*Hymenaea courbaril*).

Allium spp. (onion, chive, garlic, leek, shallot).

Anise (*Pimpinella anisum*).

Apio, celery root (*Arracacia xanthorrhiza*).

Arrowroot (*Maranta arundinacea*).

Artichoke, Jerusalem (Helianthus tuberosus).

Asparagus.

Avocado.

Balsamapple, balsam-pear (Momordica balsamina; M. charantia).

Banana and plantain (fruit).

Banana leaves (fresh, without stalks or midrib).

Beans (fresh shelled lima and faba beans).

Beet, including Swiss chard.

Brassica oleracea (cabbage, cauliflower, Brussels sprouts, broccoli, collard, kale, kohlrabi, Savoy).

Breadfruit, jackfruit (*Artocarpus* spp.).

Cacao bean (*Theobroma cacao*).

Carrot.

Celery.

Chayote (*Sechium edule*).

Chicory, endive (*Cichorium intybus*).

Citrus fruit (citron, grapefruit, lemon, lime, and orange) destined for ports on the Atlantic seaboard north of and including Baltimore.

Cucumbers, including Angola cucumber (*Sicana odorata*).

Culantro, coriander (*Eryngium foetidum*; *Coriandrum sativum*).

Dasheen, malanga, taro (*Colocasia* and *Calamus* spp.).

Eggplant.

Fennel.

Ginger root (*Zingiber officinale*).

Horseradish (*Armoracia*).

Kudzu (*Pueraria thunbergiana*).

Lerens, sweet corn root (*Calathea allouia*).

Lettuce.

Mangosteen (*Garcinia mangostana*).

Mustard greens.

Palm hearts.

Papaya, lechosa (*Carica papaya*).

Parsley.

Parsnip.

Peas (in pod) (*Pisum sativum*).

Pigeonpea (fresh shelled).

Pineapple.

Potato.

Quenepa (*Melicocca bijuga*).

Radish.

Rhubarb.

Rutabaga.

Spinach.

Squash, pumpkin, watermelon, vegetable-marrows, cantaloup, calabaza.

Strawberry.
 Tamarind beanpod (*Tamarindus indica*).
 Tomato.
 Turnip.
 Watercress.
 Waterlily root, lotus root (*Nelumbium nelumbo*).
 Yam, name (*Dioscorea* spp.).
 Yautia, tanier (*Xanthosoma* spp.).
 Yuca, cassava (*Manihot esculenta*).

(3) Cactus plants or parts thereof from the Virgin Islands of the United States may be moved to Guam, Puerto Rico, or the continental United States when they have been given an approved treatment and are so certified by an inspector.

[24 FR 10777, Dec. 29, 1959, as amended at 28 FR 13281, Dec. 7, 1963; 30 FR 749, Jan. 23, 1965; 36 FR 24917, Dec. 24, 1971. Redesignated and amended at 54 FR 3580, Jan. 25, 1989; 55 FR 5436, Feb. 15, 1990]

§ 318.58-3 Conditions of movement.

(a) *To any destination.* Any regulated articles may be moved interstate from Puerto Rico or the Virgin Islands of the United States in accordance with this subpart to any destination if:

(1) The movement is authorized by a valid certificate issued in accordance with § 318.58-4, or

(2) The movement is exempted from certificate requirements by administrative instructions in this subpart.

(b) *To a foreign destination after transiting the continental United States.* Fruits and vegetables from Puerto Rico and the Virgin Islands of the United States that are otherwise prohibited movement from those territories into or through the continental United States by this subpart may transit the continental United States en route to a foreign destination when moved in accordance with § 318.58-12 of this subpart.

(c) *Segregation of certified articles.* Articles authorized for movement by a certificate after treatment in accordance with § 318.58-4(b), taken aboard any ship, vessel, other surface craft, or aircraft in Puerto Rico or the Virgin Islands of the United States, must, under the supervision of an inspector, be segregated and protected from infestation by any plant pest or disease.

(d) *Attachment of certificates.* Except as otherwise provided for certain air cargo and containerized cargo on ships

moved in accordance with § 318.58-10, each box, bale, crate, or other container of regulated articles moved under a certificate shall have the certificate attached to the outside of the container: *Provided*, that if a certificate is issued for a shipment of more than one container or for bulk products, the certificate shall be attached to or stamped on the accompanying waybill, manifest, or bill of lading.

[54 FR 3580, Jan. 25, 1989, as amended at 58 FR 7962, Feb. 11, 1993]

§ 318.58-4 Issuance of certificates or limited permits.

Under the following conditions, an inspector may issue a certificate or limited permit for the movement of regulated articles to be moved in accordance with this subpart:

(a) *Certification on basis of inspection or nature of lot involved.* An inspector may issue a certificate for fruits and vegetables designated in § 318.58-2(b)(1) after he has inspected them and found that they appear free from infestation and infection, or has determined without an inspection that the lot for shipment is of such a nature that there appears to be no danger of infestation or infection.

(b) *Certification on basis of treatment.* Fruits and vegetables designated in § 318.58-2(b) may be certified after undergoing an approved treatment contained in the Plant Protection and Quarantine Treatment Manual under the supervision of an inspector and if the articles are handled after treatment in accordance with all conditions that the inspector requires. The Plant Protection and Quarantine Treatment Manual is incorporated by reference. For the full identification of this standard, see § 300.1, "materials incorporated by reference." Treatments shall be applied at the expense of the shipper, owner, or person in charge of the articles. The Department of Agriculture or its inspector will not be responsible for loss or damage resulting from any treatment prescribed or supervised under this subpart.

(c) An inspector may issue a limited permit for the movement of fruits and vegetables otherwise prohibited movement under this subpart, if the articles